

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes August 13, 2004

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, ON FRIDAY, AUGUST 13, 2004**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Friday, August 13, 2004, in Jefferson City, Missouri, was called to order at 9:30 a.m. by Marjorie B. Schramm, Vice Chair. The following Commissioners were present: James B. Anderson, Duane S. Michie, and Larry D. Webber. Commissioners Bill McKenna and Wallace S. Hartsfield were absent.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Dave Snider, Interim Director of the Missouri Department of Transportation;
Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters,
Secretary to the Commission, were present on Friday, August 13, 2004.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation
Commission.*

CLOSED MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

The Commission met in the Closed Meeting from 8:00 a.m. until 9:30 a.m.

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APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING, JULY 9, 2004, AND MEETING BY FAX BALLOT, JULY 23, 2004

Upon motion duly made and seconded, the Commission unanimously approved the minutes of its July 9, 2004, regularly scheduled meeting, with a revision on page 9 to correct a county designation, and fax ballot meeting of July 23, 2004. The Chair and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff

prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

No items were removed from the August 13, 2004, consent agenda. Upon motion by Commissioner Michie, seconded by Commissioner Anderson, the consent agenda items were unanimously approved.

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REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has five standing committees (Audit Committee, Bond Financing Committee, Building Committee, Compensation Committee, and Legislative Committee) and one short-term committee (Director Search Committee). In addition, it elects Commission representatives to two boards (Missouri Transportation Finance Corporation and Highway and Transportation Employees' and Highway Patrol

Retirement System). The following committee reports were made during the August 13, 2004, meeting.

Director Search Committee – Commissioner Anderson reported that the Commission was in the final stages of the Director search process and anticipates having a Director on board in September 2004. He praised the efforts of the Director Search Review Team, Grant Cooper and Associates, and Human Resources Director Micki Knudsen to bring about a successful outcome.

Missouri Transportation Finance Corporation – Commissioner Michie reported that the Missouri Transportation Finance Corporation had held its annual meeting. During the meeting officers were elected and the bylaws were updated. Pat Goff will serve as Executive Director. The Board of Directors also discussed a marketing plan as a means to advise local entities that funds are available for loans to those seeking to accelerate transportation improvements.

Retirement System – Commissioner Anderson reported that the Retirement System Board of Trustees had met at the end of July 2004. During its meeting, the Board accepted an assessment report as it relates to customer service, business operations, and technology. While the assessment found good performance in many areas, it also pointed out areas where improvements would be beneficial. A multi-year plan to address the improvements is being prepared.

Commissioner Anderson reported that the Board also received an internal staff analysis regarding the advantages and disadvantages of consolidating the Highway and Transportation Employees and Highway Patrol Retirement System with the Missouri State Employees Retirement System (MOSERS). He said at this time he felt the consolidation would not be cost efficient; however, he noted that the report will become part of a joint report with MOSERS that will be presented to the Joint Committee on Public Employee Retirement in September 2004.

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UPDATE TO BLUE RIBBON PANEL REPORT

This item was postponed until the September 10, 2004, meeting.

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MULTIMODAL TRANSPORTATION SERVICES OVERVIEW

On behalf of the Interim Director, Brian Weiler, Multimodal Operations Director, presented an overview of multimodal transportation programs and services. He noted

that the primary difference between the multimodal systems (aviation, public transportation, railways, and waterways) and the state's highway and bridge system is that MoDOT does not own or operate any of the transportation facilities. Mr. Weiler pointed out that while he and others on the multimodal staff work with the districts, the multimodal operation is not decentralized.

Mr. Weiler provided an overview of each of the transportation modes, highlighting the state's financial participation and the challenges faced by each mode.

Mr. Weiler referred to the legislatively created Joint Committee established to review all modes of transportation and particularly focus on passenger rail service. He noted that both he and Commissioner Michie have testified before this committee. Mr. Weiler expressed pleasure that the committee will be holding a series of hearings throughout the state with a primary goal being to stabilize multi-modal services. He assured the Commission that he and his staff are cooperating fully with the committee and looking forward to its final report, which is due January 15, 2005.

Mr. Weiler emphasized that Missouri has many transportation advantages, such as two major rivers for navigation, being located in the middle of the United States, and having one of the best freight systems in the nation. He expressed the hope that Missouri would utilize those advantages to a much greater extent.

Commissioner Michie praised the efforts of the Joint Committee in its endeavors to determine multimodal transportation needs in Missouri. He also commended Mr. Weiler and his staff for presenting information about the multimodal transportation areas in a meaningful, understandable manner.

Vice Chair Schramm said that formation of the Joint Committee emphasizes that multimodal issues are of statewide concern.

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MEDICAL AND LIFE INSURANCE PLAN FUNDING FOR CY 2005

On behalf of the Board of Trustees for the Medical and Life Insurance Plan, Jeff Padgett, Chairman, requested funding necessary to provide benefits for Medical Plan members in Calendar Year 2005.

Mr. Padgett recommended providing funding for the Medical and Life Insurance Plan based upon the actuarial recommendations provided by Watson Wyatt and the objectives of the Medical and Life Insurance Plan Board of Trustees. This includes all of the increase necessary for active employees and retirees and will be approximately \$1.6 million (\$2.07 million including Patrol). Total annual costs after the increase will be \$46.8 million for MoDOT and \$15 million for the State Highway Patrol. Approximately \$36.2 million of the \$46.8 million is for active employees and \$10.6 million is for retirees. Slower growth in projected utilization has allowed the plan to build a premium stabilization reserve earlier than expected. The Board of Trustees for the medical plan intends to pursue a disease management program in Calendar Year 2005 that is intended to additionally limit the growth of utilization and trend factors. Benefit enhancements scheduled to become effective January 1, 2005, include the following:

- Increase preventive medical services benefit in the PPO Plan from \$100 annually to \$300 annually for active employees and the enrolled spouses.
- Provide preventive medical services benefit in the PPO Plan for retirees, disability recipients, survivors, and enrolled spouses who are not eligible for Medicare in

the amount of \$300 annually. (No preventive benefits are currently provided for these participants.)

- Eliminate the current lifetime maximum benefits provision in both the PPO and Open Access III plans.
- Provide coverage for emergency ambulance services at the highest level of benefit (generally the “in-network” level) regardless of the participating status of the provider. This will be applicable to both the PPO and Open Access III Plans.

Mr. Padgett further provided a comparison of plan costs between the medical plan for MoDOT/State Highway Patrol employees and the Consolidated Plan covering most other state agencies. He concluded that the MoDOT/State Highway Patrol plan is currently lower in cost for both the employees and the Commission.

Upon motion by Commissioner Michie, seconded by Commissioner Webber, the Commission unanimously approved the recommendation to fund the Medical and Life Insurance Plan in keeping with the recommendations provided by Watson Wyatt and the objectives of the Medical and Life Insurance Plan Board of Trustees. It further concurred in the plan enhancements set out above. The Commission commended Mr. Padgett and his staff for their work to contain plan costs and retain adequate reserves. The members further noted that the medical insurance benefits available to employees compares very favorably to that available in the private sector.

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MODOT BUDGET COMPARISON

On behalf of the Interim Director, Jim Deresinski, Controller, provided a financial summary of the budget for Fiscal Year 2004. He presented comparisons by appropriation and type of expenditures.

The Commission thanked Mr. Deresinski for the report and requested additional information on future reports that would more clearly reflect the total budget (personal services and expense and equipment combined) of the various districts, divisions, or functions).

The Commission's independent auditor will provide a report on Fiscal Year 2004 expenditures during the upcoming months.

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FISCAL YEAR 2005 BUDGET

On behalf of the Interim Director, Pat Goff, Director of Finance, and Herbert Wheeler, Director of Resource Management, recalled that the Commission had approved the Fiscal Year 2005 budget at its July 9, 2004, meeting, with the exception of the Information System's portion of the budget. They noted that review of the Information System's budget was reduced by \$11,557,406 from the previous recommendation. In addition, they reported that \$442,594 had been captured from projected reductions in the state share of medical premiums and had been reallocated to areas. Mr. Wheeler recommended that the Commission approve the Fiscal Year 2005 budget, with the revisions incorporated and shown in its entirety below.

- Approval of the Missouri Department of Transportation FY 2005 Budget request in the amount of \$1,798,709,000 updated for Truly Agreed To and Finally Passed Legislative Appropriations. See Table 1 below.
- Approval of the FY 2005 Budget Summary of Total Expenses by District, Business Unit, and Programs. See Table 2 below.
- Approval of the FY 2005 Budget Summary of Total Expenses by Expense Category. See Table 3 below.

- Approval of the Capital Improvement Program in the amount of \$15,590,000 and authorization for the Director, Chief Engineer, Director of Finance, Director of Administrative Services, or General Services Director to approve bids and execute contracts for capital improvements within the limits of the approved budget. This approval contemplates that the positions noted above will be authorized to approve project additions, deletions, and scope modifications to meet MoDOT's changing demands. The staff shall provide a report summarizing the Capital Improvement Program every six months or upon request if so desired by the Commission.
- Approval of the Fleet Equipment Acquisition and Leasing Plan in the amount of \$22,076,000 and authority for the Director, Chief Engineer, Director of Finance, Director of Administrative Services, or General Services Director to approve bids and execute contracts as needed to implement the Fleet Equipment and Leasing Plan within the limits of the approved budget. This approval contemplates that the positions noted will be authorized to approve amendments to the submitted plan concerning specific equipment purchases and/or leases to meet MoDOT's changing demands. The staff shall provide a report summarizing the Fleet Equipment Acquisition and Leasing Plan every six months or upon request if so desired by the Commission.
- Authority for the Director, Chief Engineer, Director of Finance, Director of Administrative Services, or General Services Director to approve bids and execute contracts needed for the acquisition of routinely bid and contracted goods and services in the total amount of \$42,150,000. This authority would include execution of all contract documents related to the acquisitions. The General Services Director shall provide a report summarizing the goods and services acquired under this authority every six months or upon request if so desired by the Commission.
- Approval of the Professional Services, Service Contracts, and Expense and Equipment Plan for Information Systems in a total amount of \$34,368,000 and authority for the Director, Chief Engineer, Director of Finance, or the Information Systems Director to approve bids and execute contracts needed to implement the Professional Services and Service Contracts and Equipment Purchases Plan for Information Systems within the limits of the approved budget. This approval contemplates that the positions noted above would be authorized to approve amendments to the submitted plan to meet MoDOT's changing demands. The staff shall provide a report summarizing the Professional Services and Service Contracts and Equipment Purchases Plan for Information Systems every six months or upon request if so desired by the Commission.

Table 1
Missouri Department of Transportation
FY 2005 Budget
(In Thousands of Dollars)

	FY 2005 Budget Request
Income	
State Revenue	\$1,127,890
Federal Reimbursement	<u>\$909,476</u>
Total Income	\$2,037,366
 Bond Proceeds	 \$0
 Net Income	 <u>\$2,037,366</u>
Expenditures	
Administration:	
Personal Services	\$19,146
Fringe Benefits	\$19,209
Expense & Equipment	<u>\$6,187</u>
	\$44,542
Maintenance:	
Personal Services	\$133,252
Fringe Benefits	\$80,794
Expense & Equipment	<u>\$154,297</u>
	\$368,343
Motor Carrier:	
Personal Services	\$4,163
Fringe Benefits	\$2,101
Expense & Equipment	\$2,696
Program and Refunds	<u>\$26,000</u>
	\$34,960
Motorist Assistance:	
Personal Services	\$1,850
Fringe Benefits	\$1,116
Expense & Equipment	<u>\$317</u>
	\$3,283
Highway Safety:	
Personal Services	\$645
Fringe Benefits	\$174
Expense & Equipment	\$167
Program and Refunds	<u>\$19,704</u>
	\$20,690

(Table 1 continued)

Construction:

*Personal Services	\$84,625
*Fringe Benefits	\$41,772
*Expense & Equipment	\$30,490
Contractor Payments from State Road Fund	\$690,787
Contractor Payments from Bond Proceeds	\$0
Design Bridge Consultant Payments	\$40,000
Accelerated Program	\$19,173
Transportation Enhancements Contractor Payments	\$5,800
Transportation Enhancements Federal Pass-Through	\$6,200
Right of Way Land Acquisition	\$65,000
Federal Pass-Through	<u>\$75,973</u>
	\$1,059,820

Fleet, Facilities & Information Systems:

Personal Services	\$15,091
Fringe Benefits	\$7,810
Expense & Equipment	<u>\$89,918</u>
	\$112,819

Multimodal:

Personal Services	\$1,582
Fringe Benefits	\$729
Expense & Equipment	\$971
Program and Refunds	<u>\$52,342</u>
	\$55,624

Debt Service on Bonds	\$76,288
Purchase Order Rollover**	\$17,603
Personal Services Rollover**	<u>\$4,737</u>

Total MoDOT Expenditures **\$1,798,709**

Other Expenditures

Other State Agencies	\$210,846
Miscellaneous Refunds	<u>\$11,836</u>
Total Expenditure for MoDOT and Other Agencies	<u>\$2,021,391</u>

Excess (Deficiency) of Net Income Over Expenditures \$15,975

* Construction Personal Services, Fringe Benefits, and Expense & Equipment constitute Preliminary Engineering and Construction Engineering costs.

** Purchase Order Rollover and Personal Services Rollover for FY 2004 are already distributed out into the different appropriations areas and not yet distributed for FY 2005.

Table 2
Missouri Department of Transportation
FY 2005 Budget Summary of Total Expenditures by District, Business Unit, and Programs
(In Thousands of Dollars)

<u>Organization</u>	<u>FY 2005 Operating Budget Request</u>
District 1	\$34,961
District 2	\$37,588
District 3	\$36,129
District 4	\$59,557
District 5	\$40,723
District 6	\$71,555
District 7	\$37,079
District 8	\$41,534
District 9	\$35,228
District 10	\$41,766
Administrative Services	\$89,074
Audit & Investigations	\$1,470
Chief Counsel's Office	\$6,845
Commission Secretary's Office	\$278
Director's Office	\$1,148
Financial Services	\$55,686
Governmental Affairs	\$638
Multimodal Operations	\$55,497
Operations	\$65,323
Project Development	\$26,577
Public Information & Outreach	\$1,164
Research, Development & Technology	\$3,772
Strategic Plan Office	\$163
Department Wide Expenses*	\$34,578
Emerging Needs	\$0
Contractor Payments	\$772,208
Design Bridge Consultants	\$40,000
Innovative Finance	\$19,173
Local Funds Transportation Planning	\$5,850
Federal Pass-Through	\$82,173
Right of Way Payments	\$65,000
Unallocated Reserves	<u>\$13,632</u>
	\$1,776,369
Purchase Order Rollover	\$17,603
Personal Services Rollover	<u>\$4,737</u>
Total MoDOT Expenditures	\$1,798,709
Other State Agencies	\$210,846
Miscellaneous Refunds	\$11,836
Total MoDOT and Other Agencies	<u><u>\$2,021,391</u></u>

*Includes Retirees Medical State Share, Employee Assistance Program, Missouri Logos Program and Refunds.

Table 3

Missouri Department of Transportation
FY 2005 Budget Summary of Total Expense by Expense Category
(In thousands of Dollars)

<u>Expense Category</u>	<u>FY 2005 Budget Request</u>
Salaries & Wages	\$259,907
Benefits	\$134,232
Travel, In-State	\$3,166
Travel, Out-of-State	\$675
Fuel & Utilities	\$6,781
Supplies	\$101,136
Professional Development	\$1,865
Communication Serv & Supp	\$5,960
Professional Services	\$80,136
Janitorial Serv	\$5,140
M&R Services	\$10,874
Computer Equipment	\$8,386
Motorized Equipment	\$10,243
Office Equipment	\$561
Other Equipment	\$11,868
Contractor Payments	\$728,288
Debt Service	\$96,254
Building Lease Payments	\$1,398
Equipment Rental & Leases	\$11,440
Miscellaneous Expenses	\$46,312
Rebillable Expenses	\$0
Refunds	\$27,240
Program Distributions	<u>\$224,507</u>
	\$1,776,369
 Purchase Order Rollover	 \$17,603
Personal Service Rollover	\$4,737
 Total MoDOT Expenditures	 \$1,798,709
 Other State Agencies	 \$210,846
Miscellaneous Refunds	<u>\$11,836</u>
 Total MoDOT and Other Agencies	 \$2,021,391

Upon motion by Commissioner Michie, seconded by Commissioner Webber, the Commission unanimously approved the budget as recommended above. The Commission expressed appreciation for the revisions made above and encouraged the use of performance based budgeting for future budget proposals.

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**MEDICAL AND LIFE INSURANCE PLAN,
APPOINTMENT OF BOARD MEMBERS**

On behalf of the Interim Director, Jeff Padgett, Chairman, Board of Trustees for the Medical and Life Insurance Plan, recommended approval of the reappointment of Captain Terry Moore for a six-year term ending May 2010, the appointment of Harold Reeder for a six-year term ending September 2010, and the appointment of Mel Sundermeyer for a three-year term ending September 2007.

Via approval of the consent agenda, the Commission unanimously approved the recommendations.

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**MEDICAL AND LIFE INSURANCE PLAN,
MEDICAL CLAIMS AND NETWORK ADMINISTRATIVE SERVICES**

On behalf of the Interim Director, Jeff Padgett, Chairman, Board of Trustees for the Medical and Life Insurance Plan, recommended approval of a contract with Westport Benefits and HealthLink, Inc., to provide administrative services necessary to adjudicate medical claims, handle customer service inquiries, and provide access to preferred provider network(s) for members of the Plan for three years beginning January 1, 2005, at an approximate cost of \$2 million annually.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees to execute the agreements with Westport Benefits and HealthLink, Inc.

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**ADVANCED TRAFFIC MANAGEMENT SYSTEM,
SPRINGFIELD-BRANSON REGION**

On behalf of the Interim Director, Dale Ricks, District 8 Engineer, recommended approval of an agreement with PB Farradyne of Parsons Brinckerhoff Quade and Douglas, Inc., in the amount of \$66,542.51 to develop a Concept of Operations for the Springfield-Branson Regional Advanced Traffic Management System (ATMS). The Concept of Operations will include cost and technical information for up to six system alternatives. This work will constitute the first phase of a two-phase approach toward implementing the ATMS. Phase 1 will be funded through two Congressional earmarks totaling \$60,542.51 with the remainder being divided evenly between the City of Springfield and MoDOT.

Via approval of the consent agenda, the Commission unanimously approved the above recommendation and authorized the Director, Chief Engineer, or Director of Operations to execute the agreement.

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REAPPOINTMENT OF A FULTON 54 TRANSPORTATION CORPORATION BOARD OF DIRECTORS MEMBER

On behalf of the Interim Director, Pat Goff, Director of Finance, and Roger Schwartze, District 5 Engineer, presented a request by the Fulton 54 Transportation Corporation to reappoint O. T. Harris for a three-year term expiring June 05, 2007.

Via approval of the consent agenda, the Commission unanimously approved the reappointment of Mr. Harris to the Fulton 54 Transportation Corporation, in accordance with the requirements of the Missouri Transportation Corporation Act.

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THE CENTERSTATE TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR AND APPROVAL OF THE PROJECT

On behalf of the Interim Director, Roger Schwartze, District 5 Engineer, and Pat Goff, Director of Finance, presented the Centerstate Transportation Development District proposed transportation projects which are:

1. Construction of an extension to Vandiver Drive from its existing terminus east to a new interchange with U.S. Highway 63.
2. Construction of a new interchange between U.S. Highway 63 and Vandiver Drive, including without limitation entrance/exit ramps and acceleration/deceleration lanes on U.S. Highway 63.
3. Construction of a bridge on U.S. Highway 63 over the new extension of Vandiver Drive.
4. Construction of Woodard Drive (Woody Lane) from Vandiver Drive to the northeast to a new intersection with Mexico Gravel Road.
5. Construction of Creekwood Parkway from Vandiver Drive south to Clark Lane, including without limitation the construction of a bridge over Hinkson Creek.
6. Future widening of the extension of Vandiver Drive from its existing terminus east to a new interchange with U.S. Highway 63.
7. Future widening of the bridge on U.S. Highway 63 over the extension of Vandiver Drive.
8. Construction of Lake Ridgeway Road from Vandiver Drive south to the property line of the proposed District.
9. Construction of a pedestrian right-of-way along Vandiver Drive.

10. Construction of a pedestrian trail along Hinkson Creek.
11. Construction of an extension to Vandiver Drive from the new interchange with U.S Highway 63 to the northeast to a new intersection with Mexico Gravel Road, including without limitation construction of a bridge over Hinkson Creek.
12. Widening of Vandiver Drive east of Route B to the connection with the proposed Vandiver Drive extension.
13. Widening of Mexico Gravel Road east from Route B to the connection with the proposed further extension of Vandiver Drive.
14. Accompanying curb, gutter, sidewalk, stormwater facilities or other similar or related infrastructure of improvement in connection with items 1 through 13 above.

A portion of the proposed project is intended to be merged into the state highways and transportation system under the Commission's jurisdiction, therefore, the Commission has a direct interest in the state portion of the proposed project.

The Development District will fund the costs of the project through the imposition of a sales tax pursuant to the Development District Act. The Commission is responsible for costs associated with the project inspection only.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 5 District Engineer as the Commission advisor to the Centerstate Transportation Development District's board of directors, and (2) found the Commission's portion of the project to be a necessary and desirable extension of the state highways and transportation system, subject to the District making any revisions in the plans and specifications required by the Commission. The Director, Chief Engineer, or the District Engineer is authorized to execute the related agreements, subject to approval as to form by the Chief Counsel's Office.

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MEGAN SHOPPES TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR AND APPROVAL OF THE PROJECT

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer, and Pat Goff, Director of Finance, presented the Megan Shoppes Transportation Development District proposed transportation projects which are:

1. A signalized intersection at State Highway K and Cedar Creek Drive/Megan Avenue.
2. Improvements to Megan Avenue, a new street running east from the signalized intersection with State Highway K and Cedar Creek Drive.
3. Improvements along State Highway K from Mexico Loop Road to Winding Woods Drive.

The Commission does not own any real property within the proposed Development District. A portion of the transportation project would be built on the Commission's right of way for Route K, therefore, the Commission has a direct interest in the state portion of the proposed project.

The Development District will fund the costs of the project through the imposition of a sales tax pursuant to the Development District Act. The Development District proposed to impose the sales tax at a rate not to exceed 1%. The Commission has no financial participation in the project.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 6 St. Charles County Area Engineer as the Commission advisor to the Megan Shoppes Transportation Development District's board of directors, and (2) found the Commission's portion of the project to be a necessary and desirable extension of the state highways and transportation system, subject to the District making any revisions in the plans and specifications required by the Commission. The Director, Chief Engineer, or

the District Engineer is authorized to execute the related agreements, subject to approval as to form by the Chief Counsel's Office.

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CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

Award of Contracts, July 16, 2004, Bid Opening

On behalf of the Interim Director, Dave Nichols, Director of Project Development, stated that bids for road and bridge improvement projects had been received on July 16, 2004.

Mr. Nichols presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below.

<u>Route County Project</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
Call 201			
63 Randolph J2P0487	\$27,245,750.09	\$3,280.00	Chester Bross Co./C.B. Equipment, Inc. Hannibal, MO
63 Randolph J2P0727			
Call 401			
T Ray J4S1675	35,241.05		Collins & Hermann, Inc. St. Louis, MO
Call 602			
Various Various J6M0087	62,984.50		Gerstner Electric, Inc. Fenton, MO

Call 603

231 1,563,025.00
 Jefferson
 J6L0500H
 MM and M
 Jefferson
 J6L0500I
 Z
 Jefferson
 J6L0500J

Pace Construction
 Company
 St. Louis, MO

Call 901

44 103,361.16
 Pulaski
 J9M0046

Jefferson Asphalt
 Company
 Jefferson City, MO

Call 902

Various 243,596.13
 Various
 J9M0045

Superior Rail System,
 L.L.C.
 Wellington, MO

Totals	\$29,253,957.93	\$3,280.00
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Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

Deferral of Action.

Mr. Dave Nichols recommended deferral of action on Call 801 to allow the staff to further confer with the Federal Highway Administration.

Route County Project	Bid Amount Plus 3% for Contingencies	Non- Contractual Costs	Contractor
65 Taney J8P0609E	\$16,983,595.07	\$1,654.00	APAC-Missouri, Inc. Columbia, MO

Authority to Reject Bids.

Mr. Nichols advised the Commission that bids were received July 16, 2004, on the following projects. He recommended the bids on Call Nos. 601, 701 and X02 be rejected because they were considered excessive.

<u>Route</u>	<u>County</u>	<u>Project</u>
Call 601 370	St. Louis	J6P1621
Call 701 71B	Jasper	J7U0676B
Call X02 Various	Various	J0M0017

Concurrence in Award of Contract.

Mr. Nichols recommended the Commission concur with the City of Kansas City in awarding the following contract to the low bidder listed below.

<u>Route</u>	<u>County</u>	<u>Project</u>	<u>Description</u>	<u>Bid Opening Date</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Contractor</u>
71	Jackson	J4U0011X	Landscaping on Bruce R. Watkins	July 16, 2004 (City of Kansas City)	\$1,549,269.18	Accent Landscape Olathe, KS

*Commission's share is 100%.

Commission Action.

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Webber, the Commission took the following action.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on July 16, 2004, as recommended and noted above, and authorized an additional three percent of the contract amount for contingencies. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.
2. Deferred action on Call 801 to a later date.
3. Rejected all bids on Call Nos. 601, 701, and X02.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, or Director of Project Development may execute the contracts awarded above.

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**ADMINISTRATIVE RULE,
NOTICE OF PROPOSED RULEMAKING,
7 CSR 10-25.040, NOTICE TO BE GIVEN TO CONSUMERS
BY HOUSEHOLD GOODS CARRIERS, TIMING OF DELIVERY,
FORM AND CONTENTS**

On behalf of the Interim Director, Jan Skouby, Motor Carrier Services Director, presented to the Commission proposed rule 7 CSR 10-25.040 and recommended it be filed with the Office of the Secretary of State and the Joint Committee on Administrative Rules for publication in the *Missouri Register* for comment. The proposed rulemaking requires motor carriers of household goods to provide an informational pamphlet to customers or potential customers at appropriate times, informing them of their rights and obligations as consumers of intrastate household goods carriage services. The intent of the rule is to better inform consumers and reduce the likelihood of disputes arising between household goods carriers and their customers.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director or Chief Engineer to execute any document appropriate to initiate the rulemaking process.

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**DISPOSAL OF CAPITAL ASSET,
FARMINGTON MAINTENANCE LOT, ST. FRANCOIS COUNTY**

On behalf of the Director, Scott Meyer, District Engineer, recommended conveyance of 5.66 acres located in the southwest quadrant of the Route W and Route 67 interchange in the City of Farmington, St. Francois County, to Ibid Company, Inc., for a consideration of \$535,000. The property formerly housed the Farmington Maintenance facility.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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ROADWAY LOCATION AND/OR DESIGN APPROVAL

On behalf of the Interim Director, District Engineers recommended the Commission approve the location and design for the following projects.

**Route Y, Nodaway County
2.4 Miles South of Route A, Near Graham
Job No. J1S0829
No Public Hearing Held**

This improvement provides for grading, drainage, pavement and the replacement of the bridge over Jenkins Creek. This project has normal access right of way. The road will be closed during construction and traffic will use a state provided detour. This project is 0.3 mile in length.

Ms. Beth Wright, District 1 Engineer, recommended approval of the location and design as advertised for a public hearing.

**Route I-35, Jackson County
South of 26th Street in Kansas City
Job No. J4I1350
Public Hearing Held June 21, 2004**

This improvement provides replacement of Ramp F Bridge over Ramp D in Penn Valley Park. This project has controlled access right of way on permanent easement through parkland. During the ramp and street closure, adequate signing will be provided to control traffic flow through the 0.9 mile detour and will be augmented through Public Information and Outreach efforts to advise motorists of this traffic situation. This project is 0.1 mile in length.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 72, Bollinger County
0.3 mile W/O Route 51 to 0.1 mile E/O Route 51
Job No. J0P0889**

Public Hearing Held June 29, 2004

This improvement will improve the Route 72 alignment west of the Route 51 intersection and increase the sight distance at the junction. This project has normal access right of way. Traffic will be maintained over the existing roadway and on a bypass during construction. This project is 0.4 mile in length.

Mr. Scott Meyer, District 10 Engineer, recommended approval of the location and design of the proposed improvements as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission, via approval of the consent agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendations.

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**RATIFICATION OF APPROVAL OF RIGHT OF WAY
PLANS FOR CONDEMNATION**

On behalf of the Interim Director, Dave Nichols, Director of Project Development, recommended the Commission ratify the approval of the Chief Engineer of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Franklin	T	J6S1057	February 7, 2003
St. Clair	13	J7P0428	May 3, 2002

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary, for the condemnation of right of way.

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By unanimous vote of all members present, the meeting of the Commission was adjourned.

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